

## REMARKS

These remarks and the accompanying amendments are responsive to the Office Action dated July 13, 2007 (hereinafter referred to as the "Office Action"), having a statutorily shortened period for response that expired October 13, 2007. A petition and fee for a three month extension of time accompany this response, thereby extending the period for response until January 13, 2007. At the time of the last examination, Claims 6, 11 and 13-16 were pending, of which Claims 6 and 11 are independent.

Section 2 of the Office Action rejected claims 6, 11 and 13-16 under 35 U.S.C. § 112, second paragraph as being indefinite. Specifically, the Examiner states that it is unclear if the center does or does not establish one or more communication branches and is doing diversity handover because the method is only trying.

In claim 6, we have amended the passage "trying, at said center, to establish one or more communicating branches for the diversity handover by using said notified addition branch candidates in the arranged order" to read "establishing, at said center, one or more communicating branches for the diversity handover by trying to establish those one or more communicating branches by using said notified addition branch candidates in the arranged order". We have made similar amendment in claims 11 and 14-16. We believe that amended claims 6, 11 and 14-16, and claim 13 depending on claim 11 are not indefinite.

Section 6 of the Office Action provisionally rejects Claims 6, 11 and 13-16 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims of copending Application No. 11/55,174. It is assumed that the intent is to provisional reject in light of Application No. 11/555,174. Please provide correction if that assumption is incorrect.

The claims of Application No. 11/555,174 were amended on October 26, 2007, and currently there are four claims (claims 14-15 and 22-23). In the present application, there are six claims (claims 6, 11 and 13-16), and two of them are independent claims (claims 6 and 11).

As for independent claim 6 of the present application, Claim 6 recites *inter alia* arranging, at the mobile station, the addition branch candidates in order of the monitored radio condition quality; (ii) notifying, from the mobile station to the center, the addition branch candidates in the arranged order; and (iii) establishing, at the center, one or more communicating branches for the diversity handover by trying to establish those one or more communicating branches by using the notified addition branch candidates in the arranged order.

In contrast, claims 14-15 and 22-23 of Application No. 11/555,174 recite in relevant portion "notifying at least one of the one or more active base stations of information about the addition/deletion candidate" and "transmitting information including the quality of the signal transmitted from the addition/deletion candidate".

It is clear that claims 14-15 and 22-23 of Application No. 11/555,174 do not refer to the above-mentioned features of claim 6 of the present application. Thus, claim 6 of the present application is not obvious over the claims (claims 14-15 and 22-23) of Application No. 11/555,174.

As for independent claim 11 of the present application, the claim recites *inter alia* (i) obtaining, at the mobile station, a relative value of each of the addition branch candidates indicative of order of precedence to be used for the diversity handover based on the monitored radio condition quality of the addition branch candidates; (ii) notifying, from the mobile station to the center, the addition branch candidates and their relative values; and (iii) establishing, at the center, one or more communicating branches for the diversity handover by trying to establish

those one or more communicating branches by using the notified addition branch candidates in the order indicated by their relative values.

In contrast, as we mentioned above, claims 14-15 and 22-23 of Application No. 11/555,174 recite in relevant portion "notifying at least one of the one or more active base stations of information about the addition/deletion candidate" and "transmitting information including the quality of the signal transmitted from the addition/deletion candidate".

It is therefore clear that claims 14-15 and 22-23 of Application No. 11/555,174 do not refer to the above-mentioned feature of claim 11 of the present application. Thus, claim 11 of the present application is not obvious over the claims (claims 14-15 and 22-23) of Application No. 11/555,174.

The same thing can be said for claims 13-16 which depend on claim 11.

Therefore, the provisional rejection of claims 6, 11 and 13-16 should be withdrawn.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 10<sup>th</sup> day of January, 2008.

Respectfully submitted,

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